

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD T. BROWN,

Defendant.

Case No. CR03-5426 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Defendant's Motion for Reconsideration [Dkt. #164].

Having considered the entirety of the records and file herein, the Court rules as follows:

The defendant seeks reconsideration of this Court's Order Denying Re-Sentencing [Dkt. #162] in which this Court declined to impose a different sentence after remand by the United States Court of Appeals for the Ninth Circuit pursuant to *United States v. Ameline*, 409 F.3d 1073 (9th Cir. 2005). The defendant argues that the Court erred when it considered his inability to control his drug addiction, his related criminal conduct, and his sentence in relation to that of his co-defendants.

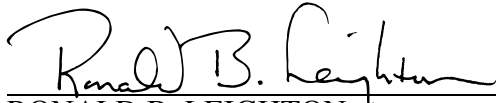
Contrary to the defendant's assertions, in considering the factors set forth in 18 U.S.C. § 3553(a), the Court appropriately considered that defendant's drug addiction and use directly translates into his ongoing criminal conduct. When sober, the defendant leads a law-abiding life; when using illegal substances, the defendant commits crimes. Therefore, the defendant's sentence took this fact into account pursuant to

1 18 U.S.C. § 3553(a)(1) and (a)(2)(C). Furthermore, under the factors set forth in 18 U.S.C. § 3553(a), Mr.
2 Brown was sentenced appropriately in relation to his co-defendants based on his actions and his criminal
3 history. It is therefore

4 **ORDERED** that Defendant's Motion for Reconsideration [Dkt. #164] in **DENIED**.

5 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
6 pro se.

7 Dated this 6th day of July, 2006.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE
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